

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE COBALT INTERNATIONAL
ENERGY, INC. SECURITIES LITIGATION

LEAD CASE NO. 4:14-cv-3428

**THE COBALT DEFENDANTS' RESPONSE TO PLAINTIFFS' NOTICE OF
REQUEST OF VOLUNTARY DISMISSAL OF DEFENDANT COBALT
INTERNATIONAL ENERGY, INC.**

On December 22, 2017, Plaintiffs filed their Notice of Request of Voluntary Dismissal of Defendant Cobalt International Energy, Inc. (the "Notice"). [Doc. #306] Plaintiffs seek to dismiss Cobalt International Energy, Inc. ("Cobalt") pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Rule 41(a) provides that, a plaintiff may voluntarily dismiss an action (1) by filing a "stipulation of dismissal signed by all parties who have appeared"; or (2) by "court order, on terms that the court considers proper." FED. R. CIV. P. 41(a).

The Cobalt Defendants are unopposed to the dismissal of Cobalt. However, the Cobalt Defendants note that Plaintiffs' Notice fails to address the specific requirements of Rule 23(e) of the Federal Rules of Civil Procedure, which apply to class actions. On June 15, 2017, the Court granted Plaintiffs' Motion for Class Certification and Appointment of Class Representatives and Class Counsel. [Doc. #163] Pursuant to Rule 23(e), prior to any voluntary dismissal of the claims, issues, or defenses of a certified class, "the [C]ourt must direct notice in a reasonable manner to all class members who would be bound by the [dismissal]" and "may approve [the dismissal] only

after a hearing and on findings that it is fair, reasonable, and adequate.” FED. R. CIV. P. 23(e).

Consequently, the Cobalt Defendants respectfully request that any dismissal of Cobalt be effectuated pursuant the Federal Rules of Civil Procedure, including the requirements of Rule 23(e).

Date: January 12, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response to Plaintiffs' Notice of Request of Voluntary Dismissal of Defendant Cobalt International Energy, Inc. was served electronically on all counsel of record this 12th day of January, 2018.

/s/ David D. Sterling
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